

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA

SCOTT REHBERG, WILLARD ALLEN RILEY, and)	
MARIO RONCHETTI, individually and behalf of all)	
similarly situated individuals,)	
Plaintiffs,)	
v.)	Civil Action No. 3:12-cv-00596-
FLOWERS FOODS, INC. and FLOWERS BAKING)	MOC-DSC
CO. OF JAMESTOWN, LLC,)	
Defendants.)	
)	

JOINT UPDATE TO COURT REGARDING
STATUS OF MEDIATION EFFORTS

COME NOW Defendants Flowers Foods, Inc. and Flowers Baking Co. of Jamestown, LLC (“Defendants”), and Plaintiffs (“Plaintiffs”) (collectively referred to herein as “the Parties”), by and through their undersigned counsel, and hereby file this Joint Update to Court Regarding Status of Mediation Efforts.

In support of this Motion, the Parties state as follows:

1. By Order dated January 22, 2014, the Court directed the parties to provide a joint update on or before February 25, 2014 regarding the status of their mediation efforts. (Ct. Doc. No. 56). The parties hereby provide this Joint Update as directed.
2. The parties participated in a day-long mediation on February 6, 2014 at the Washington, D.C. offices of Ogletree Deakins. The mediation was facilitated by Joan A. Morrow.
3. Prior to the mediation, the parties engaged in extensive pre-mediation efforts with the assistance of the mediator. For example, the parties participated in a series of separate

telephone calls with the mediator, totaling over 6 hours of discussions per side. Also, the parties exchanged detailed settlement offers before the mediation.

4. During the mediation, the parties spent much of their time on the structure of a potential settlement; however, they were unable to agree to specific settlement terms. After the mediation, counsel for the parties discussed the next steps, and agreed to continue settlement discussions building upon the momentum achieved during the mediation.

5. Following the mediation, Plaintiffs made a best settlement offer to Defendants on February 14, 2014.

6. Defendants have considered Plaintiffs' offer and provided a formal counter-offer to Plaintiffs on February 25, 2014.

7. Plaintiffs are considering Defendants' counter-offer and expect to respond within one week.

8. Pursuant to this Court's Order dated January 22, 2014, if the parties are unable to resolve this matter through their continued mediation efforts, they will submit to the Court, within ten (10) days of the failed mediation, revised deadlines for the completion of discovery, class certification and decertification briefing, merits expert reports and depositions, and Rule 26(e) supplementation.

Dated this 25th day of February, 2014.

Respectfully submitted,

/s/ Shawn J. Wanta
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(Admitted *Pro Hac Vice*)

Respectfully submitted,

/s/ Margaret Santen Hanrahan
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Attorneys for Defendants

CERTIFICATE OF SERVICE

I, hereby certify that I have this day electronically filed the foregoing **JOINT UPDATE TO COURT REGARDING STATUS OF MEDIATION EFFORTS** with the Clerk of Court using the CM/ECF system, which will send notification of the filing to the following person:

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Dated this 25th day of February, 2014.

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